

### **REMARKS / ARGUMENTS**

By this Amendment, the claims of the present application have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Initially, the Applicant notes that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should* state *all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

See Manual of Patent Examining Procedure (MPEP) § 2106(II). As such, the Applicant assumes, based on the goals of patent examination noted above, that the present Office Action has set forth “all reasons and bases” for rejecting the claims.

### **Reply to Examiner's Response to Arguments**

In response to the Applicant's arguments of Aug 5, 2008, the Examiner states:

" . . . the features upon which applicant relies (i.e., the particular definition of assignment and transfer) are not recited in the rejected claim(s) . . . While it is true that the headend receives information from Radius server #28 or mobile node location server #30, the association of a current IP address to a device's unique identifier occurs at the moment of communication establishment and of the populating of its mobility binding records (routing tables) (col. 6, line 55 - col. 8, line 20). Since the claims as currently defined do not require additional functionality in the assignment of addresses, the limitation is met."

See Office Action at pg 2. The Applicant respectfully disagrees.

The Applicant submits that "association of a current IP address to a device's unique identifier" does not teach "assigning, by said headend, an address to said first device coupled to said communication network," as recited in Applicant's claim 1. Nevertheless, the Applicant has amended the claim language to clarify the "assigning" limitation.

In this regard, Applicant submits that the amended claim limitation comprising "wherein said address is first associated with said first device in said communication network at a time of said assigning," further distinguishes Applicant's claim 1 from Dynarski. In this regard, Dynarski states "[t]he IP address associated with the IP link between the network access server 30B and the wireless device 14 is forwarded to the home agent 22 . . . At this point a PPP session between the device 14 and the network access server 30B is established, and communication between the device 14 and the terminal 10 on the network 12." See Dynarski col. 8 lines 9-16. Thus, Dynarski teaches that the IP address is associated with the device 14 in the network 12 prior to the "moment of communication establishment and the populating of [home agent 22]'s binding records," which the Examiner believes to be the equivalent of the "assigning"

limitation in the Applicant's claim 1. Thus, Dynarski does not teach "assigning, by said headend, an address to said first device coupled to said communication network, wherein said address is first associated with said first device in said communication network at a time of said assigning," as recited in Applicant's claim 1.

In regards to Applicant's recited limitation of "transferring, by said headend, said assigned address to said first device," the Applicant respectfully submits that, even if, as argued by the Examiner, the "association of a current IP address to a device's unique identifier" can be reasonably be interpreted to teach Applicant's recited limitation of "assigning, by said headend, an address to said first device coupled to said communication network," nowhere does Dynarski teach transferring this "association" to the device (device 14 of FIG. 1A). In this regard, as pointed out in Applicant's comments / arguments of August 5, 2008, Dynarski teaches that the IP address information is forwarded to the home agent and does not teach the home agent transferring the IP address to the device 14. That is, if the home agent is equivalent to a headend, as was first stated by the Examiner, then Dynarski does not teach "transferring, by said headend, said assigned address to said first device," as recited in Applicant's claim 1.

The Examiner also states that: "[i]n the alternative, the headend may be considered as including both the home agent and the radius server." see Office Action at page 3. Such an interpretation, however, still does not teach "transferring, by said headend, said assigned address to said first device," as recited in Applicant's claim 1. In this regard, Dynarski teaches that the "radius server 28 issues an Access-Accept message to the home agent 22," see Dynarski col. 7 lines 9-10, but does not teach any further communication from the radius server 28 to any other devices of the network of FIG. 1A.

Notwithstanding the above reply, the Applicant provides additional reasons below why the recited claims of the instant application are not anticipated by Dynarski.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 - 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dynarski et al. US Patent Application No. 6,272,129 ("Dynarski"). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

With regard to the anticipation rejections under 102(b), MPEP 2131 states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See *Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted)*. Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." See *id.* (internal citation omitted).

Dynarski discloses a "method [for] automatically locating and connecting a mobile wireless communications device to a packet-switched network such as the Internet," see *Dynarski at Abstract*.

### **Dynarski Does Not Anticipate Claims 1, 11, 21**

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Office Action states:

"Dynarski teaches a method and system (abstract) of setting up devices for communication on a network (col. 1, line 1 - col. 3, line 35) for transferring media (col. 4, lines 35-45; exchange of information or data as broadest reasonable interpretation. More specifically, the system locates the first device (Fig. 1, #14) for communication with the second device (Fig. 1, #10) via detecting the coupling (col. 4, line 45 - col. 5, line 3) and assigning a static or dynamic address (IP address) and serial number identifier (ESN or Electronic Serial Number) and using a headend (home agent #22) to register (table) the association (col. 5, lines 3 - 62). Thus, in a request for communication from the second

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device, the system may communicate the information to the communication server and broadcast through the network such that the communication is initiated (col. 6, line 55 - col. 8, line 50)", *see Office Action pg. 2.*

However, the Applicant respectfully submits that nowhere in Dynarski (including the cited sections: col. 4 lines 35-45, col. 4 line 45 - col. 5 line 3, col. 5 lines 3 – 62, and col. 6 line 55 - col. 8 line 50) does Dynarski disclose or suggest at least the limitation of "in response to said headend receiving an identifier of said first device from said first device . . .," as recited by the Applicant in currently amended independent claim 1. In this regard, Dynarski at col. 7 lines 9 - 21 discloses:

"The authentication server 28 responsively issues an Access-Accept message to the home agent 22 if the device 10 14 is authorized to receive the IP packet. The authentication server (e.g., RADIUS server) 28 authenticates the user operating the device 14 using the Destination IP address in the packet received from the remote terminal 10. The Access-Accept packet includes the IMSI/ESN number for 15 the remote device in RADIUS attributes Callback-number and Callback-ID or through two newly-defined RADIUS attributes, Mobile-IMSI and Mobile-ESN. The mapping of Destination IP address to IMSI/ESN is done by the authentication server using a table populated in any convenient 20 fashion."

Thus, Dynarski teaches the "home agent" receiving an identifier of the remote device from the radius server 28. Therefore, if Dynarski's "home agent" is analogous to Applicant's "headend," then Dynarski does not teach receiving ". . . said headend receiving an identifier of said first device from said first device . . .," as recited in Applicant's claim 1. Furthermore, if the headend is "considered [to] include both the home agent and the Radius server," as suggested by the Examiner at page 3 of the Office Action, then the "headend" has obtained the identifier of the remote device in an undisclosed manner. That is to say, Dynarski does not teach how the radius server obtained the IMSI/ESN number of the remote device.

For at least these reasons, the Applicant respectfully submits that independent

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claim 1 is not anticipated by Dynarski and is allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claim 1.

**Rejection of independent claims 11, and 21 under 35 U.S.C. § 102(b).**

Claims 11 and 21 are similar in many respects to the method of claim 1. Accordingly, Applicant respectfully submits that claims 11 and 21 define patentable subject matter.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 11 and 21.

**Rejection of dependent Claims 2 – 10, 12 – 20, and 22 – 30 under 35 U.S.C. § 102(b)**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by Dynarski has been overcome and requests that the rejection be withdrawn. Claims 2 – 10, 12 – 20, and 22 – 30 depend from independent claims 11, 11, and 21, respectively, and are thus respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2 – 10, 12 – 20, and 22 – 30.

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### **CONCLUSION**

Based on at least the foregoing, the Applicant believes that claims 1 - 30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8033.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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